

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 423

Introduced by Senator Wyland

February 16, 2011

~~An act to amend Section 45060 of the Education Code, relating to certificated school employees. An act to amend Section 15286 of the Education Code, relating to school facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 423, as amended, Wyland. ~~Certificated school employees: salaries. School facilities: local bond measures.~~

The California Constitution limits the maximum amount of any ad valorem tax on real property to 1% of the full cash value of the property. The California Constitution states that the 1% limitation for ad valorem taxes does not apply to ad valorem taxes or assessments to pay the interest and redemption charges on bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities approved by 55% of the voters if the proposition includes specified accountability requirements. The accountability requirements include a requirement that the governing board of either the school district or community college district or the county office of education conduct annual, independent performance and financial audits.

This bill would require these annual audits to be submitted by March 31 of each year to the citizen's oversight committee for its review.

~~Existing law requires the governing board of a school district to reduce a certificated school employee's salary, pursuant to the employee's~~

authorization, to pay the employee's dues in a local or statewide professional organization.

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15286 of the Education Code is amended
2 to read:

3 15286. Consistent with the provisions contained in
4 subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of
5 Section 1 of Article XIII A of the California Constitution, the
6 required annual, independent financial and performance audits
7 shall be conducted in accordance with the Government Auditing
8 Standards issued by the Comptroller General of the United States
9 for financial and performance audits *and shall be submitted to the*
10 *citizens' oversight committee established pursuant to Section 15278*
11 *by March 31 of each year.*

12 ~~SECTION 1. Section 45060 of the Education Code is amended~~
13 ~~to read:~~

14 ~~45060. (a) Except as provided in Section 45061, the governing~~
15 ~~board of each school district, when drawing an order for the salary~~
16 ~~payment due to a certificated employee of the district, shall reduce~~
17 ~~the order, with or without charge, by the amount the employee~~
18 ~~requested in a revocable written authorization for the purpose of~~
19 ~~paying the dues of the employee for membership in any local or~~
20 ~~statewide professional organization or in any other professional~~
21 ~~organization affiliated or otherwise connected with a statewide~~
22 ~~professional organization which authorizes the statewide~~
23 ~~organization to receive membership dues on its behalf and for the~~
24 ~~purpose of paying his or her pro rata share of the costs incurred~~
25 ~~by the district in making the deduction. A charge shall not exceed~~
26 ~~the actual cost to the district of the dues deduction. A revocation~~
27 ~~of a written authorization shall be in writing and shall be effective~~
28 ~~commencing with the next pay period.~~

29 ~~(b) Unless otherwise provided in an agreement negotiated~~
30 ~~pursuant to Chapter 10.7 (commencing with Section 3540) of~~
31 ~~Division 4 of Title 1 of the Government Code, the governing board,~~

1 no later than the 10th day of each pay period for certificated
2 employees, shall draw its order upon the funds of the district in
3 favor of the organization designated by the employee for an amount
4 equal to the total of the dues deductions made with respect to that
5 organization for the previous pay period and shall transmit the
6 total amount to that organization no later than the 15th day of each
7 pay period for certificated employees. When timely transmittal of
8 dues payments by a county is necessary for a school district to
9 comply with the provisions of this section, the county shall act in
10 a timely manner. If the employees of a district do not authorize
11 the board to make a deduction to pay their pro rata share of the
12 costs of making deductions for the payment of dues, the board
13 shall deduct from the amount transmitted to the organization on
14 whose account the dues payments were deducted the actual costs
15 of making the deduction.

16 (e) The revocable written authorization shall remain in effect
17 until expressly revoked in writing by the employee. Whenever
18 there is a change in the amount required for the payment to the
19 organization, the employee organization shall provide the employee
20 with adequate and necessary data on the change at a time
21 sufficiently before the effective date of the change to allow the
22 employee an opportunity to revoke the written authorization, if
23 desired. The employee organization shall provide the public school
24 employer with notification of the change at a time sufficiently
25 before the effective date of the change to allow the employer an
26 opportunity to make the necessary adjustments and with a copy
27 of the notification of the change which has been sent to all
28 concerned employees.

29 (d) The governing board shall not require the completion of a
30 new deduction authorization when a dues change has been effected
31 or at any other time without the express approval of the concerned
32 employee organization.